

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ZIPWALL, LLC,

Plaintiff

v.

C & S MANUFACTURING INC.,

Defendant.

Civil Action No.: 04-CV-10079 (REK)

PLAINTIFF'S (PROPOSED) DISCOVERY PLAN

Pursuant to Rules 16(b), (c) and 26(f) of the Federal Rules of Civil Procedure and Local Rules 16.1(b) and 26.2, a telephone conference was held on May 25, 2004, attended by Matthew B. Lowrie for Plaintiff and Eric P. Martin for Defendant.

At the conference, Defendant's counsel stated that they were uncomfortable agreeing to a schedule or proposing an alternative schedule in light of Defense counsel's pending Motion to Withdraw.

Plaintiff has informed Defendant on several occasions that it intends to seek an expeditious resolution and was considering a motion for a preliminary injunction. An expedited schedule to trial would also serve. Accordingly, Plaintiff proposes the following schedule, with the case ready for trial in six months. Were a longer time to trial to be set, Plaintiff would request that the schedule include provisions for a preliminary injunction motion.

1. Discovery Subjects, Timing, and Procedures.

Discovery will be needed in this patent case on the subjects of infringement, validity, and

enforceability of the patents-in-suit, damages and willfulness.

As detailed in the table, all fact discovery will be completed by September 15, 2004 and this case should be ready for a pretrial conference on November 15, 2004. The following table presents these and other deadlines for discovery.

DEADLINE

Amending Pleadings to Add Parties	Friday, June 18, 2004
Expert Reports Served on Issues on which a Party Bears the Burden of Proof	Wednesday, July 21, 2004
Rebuttal Expert Reports	Thursday, August 12, 2004
Close of All Discovery	Wednesday, September 15, 2004
Initial Markman Briefs and Dispositive Motions	Thursday, September 30, 2004
Final Pretrial Conference	Monday, November 15, 2004

2. Discovery Limitations.

Interrogatories should be limited to 25 interrogatories, including subparts, for each side. There shall be no limit on the number of requests for documents or for requests for admissions that may be made by either party.

3. Alternative Dispute Resolution.

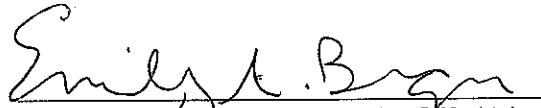
The parties have not engaged in settlement discussions. The parties shall separately submit the certifications required by Local Rule 16.1(d)(3) and continue to explore whether alternative dispute resolution procedures may help resolve this matter.

Respectfully submitted,

ZIPWALL, LLC

May 26, 2004

by:



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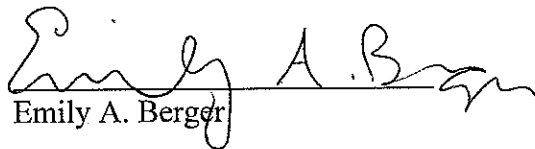
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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was served by first class mail on Eric P. Martin, Grossman & Flight, LLC, 20 N. Wacker Drive, Suite 4220, Chicago, IL 60614 on this 26th day of May, 2004.


Emily A. Berger